

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

TRAVELERS CASUALTY & SURETY  
COMPANY OF AMERICA, a Connecticut  
corporation,

CIVIL ACTION NO.: 1:03cv762Ro

Plaintiff,

v.

J. L. HOLLOWAY; EMILE DUMESNIL;  
CHARLES DECUIR; JOHN ALFORD;  
RICHARD T. MCCREARY; RICK REES;  
JOHN DANE, III; ALAN A. BAKER; T.  
JAY COLLINS; JEROME L. GOLDMAN;  
GARY KOTT; RAYMOND E. MABUS;  
ANGUS R. COOPER, II; BARRY J. GALT;  
KENNETH W. LEWIS; and ERNST &  
YOUNG, L.L.P.

Defendants.

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**Motion to Exclude Expert Testimony and Report of F. Tim Pease**

Plaintiff Travelers Casualty and Surety Company of America (“Travelers”), through its undersigned counsel, respectfully moves for the entry of an order excluding the expert testimony of F. Tim Pease.

1. Defendant Ernst & Young (“E&Y”) intends to offer F. Tim Pease as a purported expert regarding the “reasonableness and appropriateness” of the estimates at completion (“EACs”) prepared by the failed Friede Goldman Halter (“FGH”).
2. Mr. Pease’s opinions and conclusions are not supported by any basis other than his own speculative assumption of any and all underlying facts he deemed necessary to support them.
3. In addition, Mr. Pease is not qualified to testify regarding the preparation of cost

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estimates by a shipyard. Further, he expressly admits that he is not qualified to testify as to the reasonableness of the labor rates used by FGH in the EACs – one of the key components of the EACs.

4. Moreover, Pease has not used a legitimate or testable expert methodology to reach or support any of his conclusions.

5. Attached hereto are Travelers' exhibits referenced in its supporting memorandum. These include the following:

Exhibit "A" - Pease Expert Report

Exhibit "B" - Excerpts from Pease Deposition

Exhibit "C" - 3-21-00 EAC

WHEREFORE Travelers respectfully requests that an order be entered striking that part of Mr. Downey's Report stating that Travelers did not rely on the 1999 10-K, or that it played no role in Travelers' decision to recommend issuance of the Bond, and precluding Mr. Downey from offering any related testimony.

**CERTIFICATE OF SERVICE**

I, Frank R. Rodriguez, attorney for Plaintiff, Travelers Casualty & Surety Co. of America, do hereby certify that I have this date caused a true and correct copy of the foregoing to be served upon counsel for Defendant as follows:

**VIA U.S. MAIL:**

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This 30<sup>th</sup> day of May, 2006.

/s/ Frank R. Rodriguez

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Travelers Casualty and Surety Company  
Of America, Plaintiff

RODRIGUEZ TRAMONT  
GUERRA & NUÑEZ, P.A.

By: /s/ Frank R. Rodriguez  
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